

**Remarks by
The Chief Justice of Jamaica
At the Opening of the Second Annual Restorative Justice Week
International Conference
Thursday, February 7, 2008 at the Hilton Kingston Hotel**

Please permit me to address you all as distinguished ladies and gentlemen seated at the head table and in the audience.

As you assemble here today to deliberate on the important topic of Restorative Justice, it is my great privilege on behalf of the Judiciary of Jamaica to bring you these brief remarks.

Irrespective of the downward spiral of morals in our society, there is one thing that seems indelibly etched in the consciousness of those who cry out for justice and that is a sense of what is right as against what is wrong, what is fair and by converse, what is unfair. So that when grievous atrocities are committed and loved ones are left behind, no less than retribution is demanded.

What is clear is that there are countless persons who are suffering as victims of violent crimes. Such suffering, pain and anguish have been pent up and causes various forms of personal and social tensions. Our justice system, admittedly plagued with many problems that have been chronicled by the Justice Reform Task Force in their comprehensive report, is not geared to deal with some of these issues.

There is the need to attempt to heal the wounds of our countless victims who need to express themselves and ask the most haunting questions, Why? Why my family? Why did you do this to me? On the other hand, there is the need for offenders to accept the consequences of their actions.

In our justice system a criminal act is described as an act against the state, not an act against an individual or a community. My understanding is that Restorative Justice seeks to bridge that gap between the offender and victim. By recognising and attending to the needs of victims, emphasis is thus placed on the fact that crimes or violations are committed against real individuals.

Of significance too is the need for offenders to make amends for their violations by undertaking certain obligations, the goal being the restoration of healthy relationships between individuals and communities.

I am mindful that the theme of Restorative Justice Week is “Towards *Forgiveness, Healing and Reconciliation*.” The contents of an article published in the Daily Gleaner of Friday, January 4, 2008, to my mind dramatically captures some of the elements of that theme. Some of the relevant words were as follows:-

“Each man expressed his regret for the events of October 19 and extended a very sincere and heartfelt apology to me, my family and all the families who suffered losses on October 19. I accepted their apologies on behalf of myself and my family. I cannot, of course, accept their apologies on anyone else’s behalf but I can at least convey them, and each man after 24 years of reflection is aware of his role and responsibility in the events of October 19.”

Those are some of the words of Nadia Bishop, the daughter of Maurice Bishop. Former revolutionary Prime Minister of Grenada, after visiting the convicted killers of her father to extend to them an unconditional pardon.

Our justice system can only be enhanced by principles and practices of justice that not only hold offenders accountable, but also facilitate reparative agreements, self-redemption and redemption in their communities where justice can be seen to be done. As Howard Zehr, one of the pioneers of Restorative Justice, published in Canada, has said:-

“...many of the problems in the way we do justice today are rooted in our understanding of justice and that this particular understanding is only one possible way, one paradigm. Others are possible, others have been lived out, others have actually dominated most of our history. In the long sweep of things our present paradigm is really quite recent.”

I believe that American Attorney-at-law, Marty Price, has captured the essence of Restorative Justice when, in an article published by the American Bar Association, he says:-

“The most important lesson learned from restorative justice practice may be the realisation that the key to justice is found not in laws but in the recognition and honouring of human relationships. If the application of restorative justice principles can bring justice and healing to some of the most grievous losses that human beings

can suffer, the potential for more effective conflict resolution in other arenas must be considered. If crimes or disputes are not resolved with relationship values guiding the process, it is predictable that all parties may walk away feeling like losers or like victims – feeling that justice has not been done.”

As agents of change, we must be committed to apply and maintain those principles with the aim of strengthening our resolve to restore justice. It is my sincere hope that restorative justice will one day soon take root in Jamaica, will gather momentum day by day, month by month and year by year; that this vision of justice will help to stem the tide of criminal activities as we work towards healing, forgiveness and reconciliation.

May your deliberations be productive and may you all be blessed.

I thank you.